

Appl. No.: 09/675,281  
Amdt. dated December 17, 2003  
Reply to Office action of October 14, 2003

### **REMARKS/ARGUMENTS**

Applicants acknowledge receipt of the Office Action dated October 14, 2003. In that Action the Examiner: 1) rejected claims 1, 8, 22, 25, 27 and 28 as allegedly indefinite; 2) rejected claims 1-10, 14-17, 22-24 and 28 as allegedly anticipated by *Klimenko* (U.S. Patent No. 5,974,547); and 3) rejected claims 11-13, 18-21 and 25-27 as allegedly unpatentable over *Klimenko* in view of *Godse* (U.S. Patent No. 6,202,091).

With this Response, Applicants amend claims 1, 8, 22 and 25-28. Applicants respectfully submit that the pending claims are allowable over the art of record and respectfully request reconsideration.

#### **I. AMENDMENTS TO THE SPECIFICATION**

With this response, Applicants amend the specification on page 7 to correct a grammatical deficiency. No new matter is submitted by this amendment.

#### **II. SECTION 112, SECOND PARAGRAPH REJECTIONS**

With this Response to Office Action, Applicants amend claims 1, 8, 22 and 25-28 to correct antecedent basis problems. These amendments are made only to address the Examiner's Section 112, second paragraph rejections, and not to define over any prior art.

#### **III. SECTION 102 & 103 REJECTIONS**

##### **A. Claim 1.**

In the Office Action dated October 14, 2003, claim 1 was rejected as allegedly anticipated by *Klimenko*.

*Klimenko* is directed to a "technique for reliable network booting of an operating system to a client computer." *Klimenko* Title. In *Klimenko*, "the server stores an image of a client hard disk including the client O/S and desired applications." *Klimenko* Abstract. Booting a client computer consistent with the *Klimenko* disclosure may be viewed as a two-step process: first a connection is made between the computer to be booted and the server; and then an operating system is transferred from the server to a RAM of the client PC. As for establishing a connection to a server, *Klimenko* states:

**Appl. No.: 09/675,281**  
**Amdt. dated December 17, 2003**  
**Reply to Office action of October 14, 2003**

Each NIC also contains an internal read only memory 362 that stores boot code 364 . . . With the boot code stored in the NIC, as shown [in Figure 3], and read into the memory of the PC on power-up and executed, the client PC establishes a network connection, through network 30 and connections 20 and 40, with remote server 50 for remotely booting of the client PC.

*Klimentko*, Col. 7, lines 17-27 (emphasis added). Thus, while *Klimentko* may show a boot code on its NIC, this code does not boot the computer; rather, the boot code on the NIC merely establishes the network connection so that an operating system may be booted.

Once the network connection is established, an operating system image transfers from the server to the main memory of the client PC.

Next, as symbolized by line 442 [of Figure 4A], the PC will issue, through the NIC, a TFTP request . . . to server 50 . . . to download the boot file identified in the BootP reply packet. . . . [The] TFTP server 402 will download the boot file to the client PC. Once the boot file has been completely downloaded into RAM 332 (see FIG. 3) . . . With the boot file (LANHD.IMG) residing, as symbolized by block 460, in the client PC and after the ACK packet is issued, the client PC will begin executing the boot file from the RAM 332 to implement the client hard disk emulation.

*Klimentko*, Col. 11, lines 10-26 (emphasis added).

By contrast, claim 1 requires a host computer having a management sub-system coupled locally to the host computer system. The management sub-system comprises a management processor and a memory. The management processor is capable of receiving an image of a bootable program from a remote management console, and the image is stored in the memory of the management sub-system, not the main memory of the host computer system (client PC in *Klimentko* terminology). Applicants respectfully submit that *Klimentko* does not teach or fairly suggest a management sub-system coupled locally to the host computer system, or that the management sub-system would receive and store an image of a bootable program delivered from the remote management console as claimed in claim 1.

**Appl. No.: 09/675,281  
Amdt. dated December 17, 2003  
Reply to Office action of October 14, 2003**

Based on the foregoing, Applicants respectfully submit that claim 1, and all claims which depend from claim 1 (claims 2-15), should be allowed.

**B. Claim 14.**

In the Office Action dated October 14, 2003, claim 14 was rejected as allegedly anticipated by *Klimenko*.

In *Klimenko*, the NIC 360 stores boot code 364 in a ROM 362. *Klimenko*, Figure 3. However, the boot code 364 does not boot the computer; rather, the boot code merely establishes a connection to a server. *Klimenko*, Col. 7, lines 17-27. Once the connection is established, the server downloads a bootable image to the RAM 332 of the client PC 10. *Klimenko*, Col. 11, lines 10-26.

By contrast, claim 14 requires, by virtue of its dependency from claim 10, that a floppy image is transferred to a management sub-system and stored in the memory of the management sub-system. On the next boot cycle, the host computer system checks the management sub-system to determine if the floppy image is present. *Klimenko* does not teach or fairly suggest such a system. In *Klimenko*, the actual bootable image is not copied to a management sub-system locally coupled to the client PC; rather, the bootable image is copied directly to the RAM 332 of the client PC.

Claim 14 is allowable for at least the same reasons as claims 1, 9 and 10, from which it depends, as well as the additional limitations therein.

**C. Claim 16.**

In the Office Action dated October 14, 2003, claim 16 was rejected as allegedly anticipated by *Klimenko*.

Booting a client computer consistent with the *Klimenko* disclosure may be viewed as a two-step process: first, a connection is made between the computer to be booted and the server using the "boot code" of the NIC (*Klimenko*, Col. 7, lines 17-27); and then an operating system is transferred from the server to a main memory of the client PC where it is used to boot the client PC (*Klimenko*, Col. 11, lines 10-26).

By contrast, the host computer system of claim 14 has coupled thereto, by way of a port for receiving a peripheral device, a management sub-system. The

**Appl. No.: 09/675,281  
Amdt. dated December 17, 2003  
Reply to Office action of October 14, 2003**

management sub-system emulates a floppy drive, and the host computer system checks the management sub-system during each boot cycle to determine if the management sub-system comprises a bootable image. In *Klimenko*, the only device of interest that couples as a peripheral device is the *Klimenko* NIC 360. See, *Klimenko's* Figure 3. *Klimenko's* NIC 360, however, does not emulate a floppy drive. *Klimenko's* administrative PC 210 and server 50 do not appear to connect to the client PC 10 by way of a port for receiving a peripheral device.

Based on the foregoing, Applicants respectfully submit that claim 16, and all claims which depend from claim 16 (claims 17-21), should be allowed.

**D. Claim 22.**

In the Office Action dated October 14, 2003, claim 22 was rejected as allegedly anticipated by *Klimenko*.

Booting a client computer consistent with the *Klimenko* disclosure may be viewed as a two-step process: first, a connection is made between the computer to be booted and the server using the "boot code" of the NIC (*Klimenko*, Col. 7, lines 17-27); and then an operating system is transferred from the server to a main memory of the client PC where it is used to boot the client PC (*Klimenko*, Col. 11, lines 10-26).

By contrast, claim 22 specifically requires a management sub-system coupled to a system bus of the managed computer system. The management sub-system comprises a memory, and is capable of receiving an image of a bootable program from a remote management console. *Klimenko* does not teach or fairly suggest that a bootable image should be stored in the memory of a management sub-system coupled to a system bus. Rather, *Klimenko* teaches only that the bootable image should be downloaded directly to the RAM 332 of the client PC 10. *Klimenko*, Col. 11, lines 10-26.

Based on the foregoing, Applicants respectfully submit that claim 22, and all claims which depend from claim 22 (claims 23-28), should be allowed.

**E. Claim 24.**

Claim 24 is directed to a system having all the limitations of claim 22, and further requiring that the management sub-system comprises a computer card

**Appl. No.: 09/675,281  
Amdt. dated December 17, 2003  
Reply to Office action of October 14, 2003**

installed within the managed computer system. In the Office Action dated October 14, 2003, claim 24 was rejected as allegedly anticipated by *Klimenko*.

In forming the rejection, the Office Action cites *Klimenko*, Col. 7, lines 11-19. The cited location is to *Klimenko*'s NIC 360. As discussed with respect to claim 22, the NIC 360 merely establishes a connection to the network server, and does not store a bootable image. Rather, the bootable image is transferred directly to the RAM 332 of the client PC 10.

Claim 24 is allowable for at least the same reasons as claim 22, as well as the additional limitation therein.

#### **IV. CONCLUSION**

Applicants respectfully request reconsideration and allowance of the pending claims. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

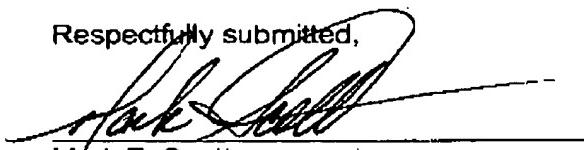
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

**Appl. No.: 09/675,281  
Arndt. dated December 17, 2003  
Reply to Office action of October 14, 2003**

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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